

Appl. No. 10/668,932

Amdt. dated February 17, 2006

Reply to final office action of November 29, 2005

### REMARKS

This is in response to the final office action mailed on November 29, 2005. The final office action rejected Applicant's Claims 1-4, 7-10, 13-17 and 19-21 as being anticipated by U.S. Pat. No. 6,904,362 ("Nakashima"). The Office Action rejected Claims 7, 9 and 17 as obvious in view of combination of Nakashima and U.S. Pat. No. 6,430,502 ("Pournain"), Claims 5, 6, 22 and 23 as obvious in view of Nakashima, and Claims 11, 12, 18 and 24-26 as obvious in view of combination of Nakashima and U.S. Pat. No. 6,477,459 ("Wunderlich").

With this response, Applicant has canceled Claims 14-18. Applicant does not agree that Claims 14-18 are anticipated by or obvious over the cited references. However, in order to expedite prosecution and allowance of the present application in interest, Applicant has canceled Claims 14-18. Applicant respectfully requests the Examiner to reconsider the present application. Applicant submits that all pending claims are in condition for allowance.

#### The Nakashima patent

Applicant's independent Claims 1 and 19 were rejected as being anticipated by the Nakashima patent. As the Applicant will explain below for each independent claim, the Nakashima patent does not anticipate the pending claims. In contrast to the Applicant's invention relating to traffic messages, the Nakashima patent relates to a system for providing route guidance from an information center to a vehicle. The information center initially communicates preliminary route guidance, including major guide point information and then communicates more detailed guidance information for the route segments. (*see*: Nakashima, Abstract; col. 12, lines 64-67; col. 13, lines 31-38). The Nakashima patent provides a solution to the problem of communication failure between the information center and the vehicle during guidance. (*see*: Nakashima, col. 2, lines 6-30). According to the innovation disclosed by the Nakashima patent, in the event of a failure in communication between the information center and the vehicle, the vehicle uses preliminary route guidance of the major guide point information to provide vehicular route guidance. (*see*: Nakashima, col. 2, lines 60-63).

The final office action indicated that column 8, lines 20-40, column 7, lines 12-27 and column 10, line 65 through column 11, line 10 provide disclosure anticipating the Applicant's pending independent claims. (*see*: Final Office Action, pages 2-3). The Applicant will briefly

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summarize the disclosure of these sections. The Nakashima patent discloses at column 8, lines 20-40 that the information center has an external information collecting section obtaining the latest traffic congestion information from external sources. The traffic congestion information provides a location, data and time of occurrence. The Nakashima patent discloses at column 10, line 65 through column 11, line 10 that the information center has a server that considers the traffic information from the external information collecting section when calculating a recommended route for the vehicle. Thus, the route and guidance provided to the vehicle by the information center avoids traffic jams. The Nakashima patent also discloses at column 7, lines 12-27 that the communications between the information center and the vehicle may occur over various communication networks including wireless and wired public networks, the internet, phone networks and so on. The communications between the information center and vehicle comprise requests for route guidance and route guidance information for following a calculated route. The Nakashima patent further discloses that the communication between the information center and the vehicle may be by optical or radio beacons installed alongside roads that transmit traffic congestion information.

#### Claim 1

Applicant's independent Claim 1 relates to a method of facilitating delivery of traffic messages. The method recites obtaining data indicating traffic conditions, and identifying a broadcast service area in which the traffic condition is located, wherein the "broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment." The method also recites "transmitting ... traffic messages" and that the messages are "associated with a broadcast service area code identifying said broadcast service area in which said traffic condition is located." Claim 1 is not anticipated by Nakashima because the reference fails to disclose or suggest every recited claim element recited. Specifically, Nakashima does not disclose or suggest the recited broadcast service area and the broadcast service area code.

The final office action indicated that column 7, lines 12-27 of the Nakashima patent supports broadcasting traffic data that are location specific and that the traffic beacons alongside the road are used to support the location to be broadcasted. (*see* Final Office Action, pages 2-3). Although this section supports the broadcast of location specific traffic messages, the Nakashima

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patent fails to disclose or suggest that the traffic messages are "associated with a broadcast service area code identifying said broadcast service area in which said traffic condition is located" wherein the "broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment." The Nakashima patent completely fails to disclose or suggest that the traffic messages are associated with the broadcast service area code. In fact, the Nakashima patent does not provide any details regarding traffic messages broadcast by the beacons. Rather, the description merely indicates that the roadside beacons, which provide traffic congestion information, may be used to pass communications regarding route guidance between the information center and the vehicle.

Furthermore, the roadside beacons briefly mentioned in the Nakashima patent suggests the opposite of above cited claim elements because the roadside beacons transmit the traffic messages pertaining to the precise road on which the roadside beacon is located. The traffic messages of the beacon system have no need for the recited broadcast service area code because the broadcasted messages provide information only for the road on which the beacon is located. Furthermore, since the broadcast area of the beacon is precisely defined as the transmission area of the single beacon, the Nakashima patent further teaches away from the recited claim element of the "broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment."

The invention of Claim 1 is a significant improvement over the traffic beacons of the Nakashima patent. The beacons only broadcast traffic messages pertaining to the road along which the beacon is located. The recited traffic messages "associated with a broadcast service area code identifying said broadcast service area in which said traffic condition is located" allow for geographic location filtering of the traffic messages. For example, if the traffic messages are transmitted via satellite radio, the broadcasted traffic messages are for a large geographic area. Using the broadcast service area codes associated with the traffic messages, a user can filter the traffic messages to obtain the most geographically relevant messages without processing all of the messages. In the traffic beacon system, users receive and process all traffic messages broadcasted by the beacons.

For at least these reasons, Claim 19 is not anticipated by the Nakashima patent.

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Claim 19

Applicant's independent Claim 19 relates to a traffic message providing data indicating a traffic condition. The traffic message comprises a location reference code indicating a location on the road network of the traffic condition, an event code of the traffic condition and a broadcast service area code representing a broadcast service area in which said traffic condition is located. Nakamura fails to disclose or suggest the claim element of the broadcast service area code representing a broadcast service area.

The final office action indicated that column 7, lines 12-27 of the Nakashima patent supports broadcasting traffic data that are location specific and that the traffic beacons alongside the road are used to support the location to be broadcasted. (*see*: Final Office Action, pages 2-3). Although this section supports the broadcast of location specific traffic messages, the Nakashima patent fails to disclose or suggest that the traffic messages contain both a location reference code and a broadcast service area code. In fact, the beacon system that broadcasts the location specific traffic messages would never include both the location reference code and the broadcast service area code. The Nakashima patent suggests the opposite of above cited claim elements because the roadside beacons transmit the traffic messages pertaining to the precise road on which the roadside beacon is located. The traffic messages of the beacon system have no need for the recited broadcast service area code because the broadcasted messages provide information only for the road on which the beacon is located.

The invention of Claim 19 is a significant improvement over the traffic beacons of the Nakashima patent. The traffic messages broadcasted by the beacons only pertain to the road along which the beacon is located. The recited traffic message comprising a location reference code indicating a location on the road network of the traffic condition and a broadcast service area code representing a broadcast service area in which said traffic condition is located allow for geographic location filtering of the traffic messages. For example, if the traffic messages are transmitted via satellite radio, the broadcasted traffic messages are for a large geographic area. Using the broadcast service area codes associated with the traffic messages, a user can filter the traffic messages to obtain the most geographically relevant messages without processing all of the messages. After having the most geographically relevant messages, the user can use the location reference codes to identify the locations on the road network of the traffic conditions. In

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the traffic beacon system, users receive and process all location specific traffic messages broadcasted by the beacons.

For at least these reasons, Claim 19 is not anticipated by the Nakashima patent.

#### Claims 2-13 and 20-26

Applicant's dependent Claims 2-13 and 20-26 are allowable at least for the reason that they depend upon allowable base claims. In addition, these claims include features that are not disclosed by the cited references.

#### Conclusion

With the present response, all the issues in the final office action mailed November 29, 2005 have been addressed. Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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